

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
MEMPHIS DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. 2:21-cv-02361-MSN-atc

EASEMENTS AND RIGHTS-OF-WAY
OVER 5.15 ACRES OF LAND IN
SHELBY COUNTY, TENNESSEE, and
DEREK T. MITCHELL,
PEGGY J. MITCHELL, his wife,
TIDEWATER FINANCE COMPANY,
Defendants.

JUDGMENT AND ORDER DISBURSING FUNDS

This action came before the Court on the Joint Motion for Entry of a Proposed Judgment and Order Disbursing Funds. As set forth in the motion, Plaintiff and Defendants Derek T. Mitchell and Peggy J. Mitchell have agreed to resolve this action with the total amount of compensation to be awarded for the condemned property rights being \$60,000. The record for this case further shows that Plaintiff has deposited with the registry of this Court the total amount of \$60,000 and that the disbursement of the total deposited amount, plus any accrued interest thereon less the applicable registry fee, is provided for herein.

It is, therefore, **ORDERED AND ADJUDGED** that:

1. Defendants Derek T. Mitchell and Peggy J. Mitchell shall recover from the Plaintiff \$60,000 as full compensation for the taking of the property rights herein condemned.
2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$60,000, plus any accrued interest thereon less the applicable registry fee, payable, to "Derek T. Mitchell and Peggy J. Mitchell," in full

satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to R. Porter Feild, Esq., Burch, Porter & Johnson, PLLC, 130 North Court Avenue, Memphis, Tennessee 38103, in full satisfaction of this Judgment.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on June 1, 2021 (Doc. 1-3), is hereby fully and finally confirmed with respect to the following-described property, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. 1-4):

Permanent easements and rights-of-way, consisting of the perpetual right to enter at any time and from time to time the present right-of-way and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, including guy wires, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the described land:

TRACT NO. AHLF-3

A strip of land located in the Ninth Civil District of Shelby County, State of Tennessee, as shown on a map entitled "Allen Steam Plant – Barnsville Switching Station Transmission Line Loop to Freeport," drawing LW-6866, sheet P1A, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Beginning at a point where the centerline of the transmission line location crosses the west property line of the land of Derek T. Mitchell, et ux., and the east property line of the land of Prewett Services, LLC, at survey station 34+38.98, said point being N. 01° 57' 10" E., 55 feet from the property corner common between the

lands of Derek T. Mitchell, et ux., and Legacy Land Development, LLC, said strip being bound on the west end by said property line; thence leaving said point and with the centerline of the said location N. $82^{\circ} 15' 50''$ E., 1,783.67 feet to a point, said point being and the east property line of the land of Derek T. Mitchell, et ux., and in the west property line of the land of Barbara E. Chamberlain at survey station 52+22.65, said point being S. $02^{\circ} 04' 13''$ W., 133 feet from the property corner common between the lands of Derek T. Mitchell, et ux., and Barbara E. Chamberlain, said strip being bound on the east end by said property line, the ends of said strip are shortened or extended to said property lines.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 1,783.67 feet and contains 4.09 acres, more or less.

The coordinates, distances and direction of lines are orientated to the Mississippi West State Plane Coordinate System, NAD83 Horizontal Datum, NAVD88 Vertical Datum.

TRACT NO. AHLF-6

A strip of land located in the Ninth Civil District of Shelby County, State of Tennessee, as shown on a map entitled "Allen Steam Plant – Barnsville Switching Station Transmission Line Loop to Freeport," drawing LW-6866, sheet P1A, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said strip being 100 feet wide, lying 50 feet on each side of the centerline of the transmission line location, the centerline of the location and the end boundaries of the strip being more particularly described as follows:

Beginning at a point where the centerline of the transmission line location crosses the south property line of the land of Derek T. Mitchell, et ux., and the north property line of the land of Barbara E. Chamberlain at survey station 60+05.99, said point being S. $87^{\circ} 57' 9''$ E., 772 feet from the property corner common between the lands of Derek T. Mitchell, et ux., and Barbara E. Chamberlain, said strip being bound on the west end by said property line; thence leaving said point and with the centerline of the said location N. $82^{\circ} 15' 50''$ E., 460.49 feet to a point, said point being in the east property line of the land of Derek T. Mitchell, et ux., and in the west right-of-way line of land of the State of Tennessee (Horn Lake Road), at survey station 64+66.48, said point being N. $18^{\circ} 9' 56''$ W., 83 feet from the property corner common between the lands of Derek T. Mitchell, et ux., the State of Tennessee, and Barbara E. Chamberlain, said strip being bound on the east end by said property line, the ends of said strip are shortened or extended to said property lines. Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title or interest as the owner of the above-described land may have in The City of Memphis (Horn Lake Road), the adjoining road right of way.

The above-described strip of land includes the centerline of the transmission line location for a net distance of 460.49 feet and contains 1.06 acres, more or less.

The coordinates, distances and direction of lines are orientated to the Mississippi West State Plane Coordinate System, NAD83 Horizontal Datum, NAVD88 Vertical Datum.

4. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

IT IS SO ORDERED.

APPROVED: s/ Mark S. Norris
MARK S. NORRIS
UNITED STATES DISTRICT JUDGE

DATE: September 3, 2021